

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7 Bankruptcy

Debtor.

Randall L. Seaver, Trustee,

ADV Case No. 09-5043

Plaintiff,

vs.

Dennis Hecker,

Defendant.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR JUDGMENT

This adversary proceeding is before the court on the plaintiff's application for a default judgment against the defendant.

Based upon the application and the files and records, the court makes the following:

FINDINGS OF FACT

1. The plaintiff is the trustee in the debtor's case.
2. This bankruptcy case was commenced on June 4, 2009, by the filing of a voluntary Chapter 7 petition.
3. The summons and complaint were served on the defendant by certified mail, return receipt requested, and by first class mail on September 22, 2009.
4. The defendant has failed to answer.

5. Each Schedule C filed by the debtor asserted an exemption of \$9,450.00 in household goods and furnishings. The most recent Amended Schedule C asserted an exemption in such items located at 11700 Cross Avenue, Crosslake, MN. That exemption was denied by the order of October 28, 2009.

6. The plaintiff is entitled to possession of the households goods and furnishings and all other personal property in and around 11700 Cross Avenue, Crosslake, MN so that those items may be sold.

7. In addition to other personal property located in and around 11700 Cross Avenue, Crosslake, MN, there is an extensive dock and boat lift system which has substantial value. The trustee is entitled to the dock and boat lift system so that they may be sold.

CONCLUSIONS OF LAW

1. This court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§157 and 1334.

2. The defendant is in default pursuant to Fed. R. Bankr. P. 7055 and Fed. R. Civ. P. 55.

ORDER FOR JUDGMENT

IT IS ORDERED: _____

(a) The personal property in and around 11700 Cross Avenue, Crosslake, MN, including the dock and boat lift system, are all property of the bankruptcy estate pursuant to 11 U.S.C. §541.

(b) The defendant shall turn over to the plaintiff the

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personal property, including the dock and boat lift system, in and around

11700 Cross Avenue, Crosslake, MN.

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated: March 03, 2010

/e/ Robert J. Kressel

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Robert J. Kressel

United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 03/03/2010 Lori Vosejka, Clerk, By amm, Deputy Clerk
